

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

v.
Plaintiff,
Case Number 21-20421
Honorable David M. Lawson

TAMMIE WADE,

Defendant.

/

ORDER GRANTING JOINT MOTION FOR COMPETENCY EVALUATION

On September 14, 2023, defendant Tammie Wade appeared before the Court for a change-of-plea hearing. During the hearing, her attorney moved orally for a competency evaluation. The Court construed the motion as a request for a continuance of the plea hearing and granted that motion but directed the parties to file a written motion addressing the defendant's competency evaluation request. On September 27, 2023, the parties jointly filed the present motion seeking a competency evaluation of the defendant (ECF No. 118). After reviewing the parties' submissions and having observed the defendant in open court, the Court finds that there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect that may render her incompetent to stand trial within the meaning of 18 U.S.C. § 4241(a) & (d). The Court therefore will order that the defendant (who is not in custody) be examined to determine her mental competency by the examiner agreed upon by counsel for the parties.

Counsel for the defendant has also moved to strike ECF No. 116, which is an unedited version of the present motion. The Court will grant that request and strike the motion.

Accordingly, it is **ORDERED** that the parties' joint motion for a competency examination (ECF No. 118) is **GRANTED**.

It is further **ORDERED** that Dr. Sami Farhat of Royal Oak, Michigan is **APPOINTED** to examine the mental condition of defendant Tammie Wade in accordance with 18 U.S.C. §§ 4241(a), (b), 4247(b) at the expense of the government on or before **October 28, 2023** at a time and place to be selected by Dr. Farhat.

It is further **ORDERED** that the defendant shall cooperate in the examination and appear at such places and at such times as designated by Dr. Farhat.

It is further **ORDERED** that Dr. Farhat shall prepare, as soon as practicable, a written report that includes (1) the defendant's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense as required by 18 U.S.C. §§ 4241(b), 4247(c).

It is further **ORDERED** that Dr. Farhat promptly shall file the written report with this Court and provide copies of the report to the defendant's attorney, Charles Longstreet II, and the attorney for the government in accordance with 18 U.S.C. § 4247(c).

It is further **ORDERED** that the trial and final pretrial conference and related pretrial deadlines are **ADJOURNED** without date pending the resolution of the competency issue.

It is further **ORDERED** that the period beginning September 27, 2023 and ending with the conclusion of the competency hearing held under 18 U.S.C. §§ 4241 and 4247, which will take place after the Court and the parties receive the examiner's written report, be deemed excludable delay under the Speedy Trial Act under 18 U.S.C. §§ 3161(h)(1)(A), and the period beginning the day after the conclusion of the competency hearing and ending with the Court's ruling on the

defendant's mental competency or with the lapse of 30 days, whichever occurs first, be deemed excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(H).

It is further **ORDERED** that the motion to strike ECF No. 116 (ECF No. 117) is **GRANTED**, and the parties' first joint motion for a competency evaluation (ECF No. 116) is **STRICKEN**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: September 28, 2023